

## Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 FEA-01 AID-05 CEQ-01 CIAE-00 OFA-01

COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-10 L-02 NSF-01

NSC-05 NSAE-00 PM-03 OES-03 SS-15 SP-02 INRE-00

NSCE-00 SSO-00 /077 R

DRAFTED BY EUR/CAN:LFJANOWSKI:MGH

APPROVED BY EUR:RDVINE

EB/ORF:JKATZ

L/OES:JRCROOK (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: CA, SENV

SUBJECT: EASTPORT REFINERY

1. VINE CALLED IN CANADIAN MINISTER TURNER MARCH 12, GAVE HIM AIDE-MEMOIRE RESPONSIVE TO MARCH 6 CANADIAN AIDE-MEMOIRE ABOUT THE EASTPORT REFINERY, AND MADE THE FOLLOWING POINTS ORALLY:

(A) WE ARE PERPLEXED BY THE TIMING AND HARSHNESS OF THE CANADIAN DEMARCHE;

(B) CANADIAN CONCERN ABOUT VLCC'S TRANSITING HEAD HARBOUR PASSAGE WAS KNOWN TO US. CANADIAN CONCERN ABOUT THE ENVIRONMENTAL RISK OF VLCC'S IN THESE WATERS IS NO GREATER THAN OUR OWN AS US WATERS ALSO INVOLVED. WE EXPECT THAT

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ANY DECISIONS INVOLVING THIS MATTER WILL TAKE THIS ENVIRON-

MENTAL RISK FULLY INTO ACCOUNT.

(C) THE SHORTAGE OF REFINERY CAPACITY IN THE NORTHEASTERN UNITED STATES AND PARTICULARLY IN THE STATE OF MAINE IS A MATTER OF MOST ACCUTE IMPORTANCE. THE SUGGESTION OF A DOUBLE ENVIRONMENTAL STANDARD, VIZ; THAT CANADIAN WATERS REQUIRE STRICTER ENVIRONMENTAL PROTECTION THAN MAINE WATERS IS DIFFICULT TO COMPREHEND, PARTICULARLY GIVEN THE MASSIVE TANKER TRAFFIC, WITH ATTENDANT ENVIRONMENTAL RISK, INTO PORTLAND, MAINE WITH CRUDE OIL DESTINED FOR CANADA.

(D) MCKINNEY'S ORAL COMMENTS TO VINE ON MARCH 6, AS WELL AS THE LANGUAGE OF THE CANADIAN AIDE-MEMOIRE, INDICATE CANADIAN CONCERN ABOUT VLCCS, AND ALSO ANY VESSELS CARRYING PRODUCT, WITH THE SUGGESTION THAT REGULATIONS UNDER THE CANADA SHIPPING ACT MIGHT BE ENACTED WITH THE SOLE PURPOSE OF CONTROLLING OR LIMITING THE SHIPMENT OF PRODUCT FROM A REFINERY AT EASTPORT. IF SUCH A POSITION WERE INTENDED, IT WOULD OBVIOUSLY RAISE SERIOUS QUESTIONS.

(E) WE THOROUGHLY UNDERSTAND AND RECOGNIZE THE GOVERNMENT OF CANADA'S ENVIRONMENTAL CONCERNS AND CANADA'S DESIRE TO MINIMIZE ENVIRONMENTAL RISK OR DAMAGE. THE USE OF UNREASONABLE OR ARBITRARY MEASURES TO INTERFERE WITH OR SUSPEND THE RIGHT OF INNOCENT PASSAGE, HOWEVER, WOULD RAISE DIFFICULT PROBLEMS.

(F) IN ANY CASE, WE WOULD WISH TO EXAMINE CAREFULLY THE FINDINGS OF THE MAINE BOARD OF ENVIRONMENTAL PROTECTION WHICH WILL DEAL WITH THE ISSUE, AND NOT TO COMMENT FURTHER ON A HYPOTHETICAL BASIS.

2. TURNER OBSERVED ON PERSONAL BASIS THAT CANADA'S CONCERN WAS SOLELY WITH THE PARTICULAR ENVIRONMENTAL PROBLEMS OF HEAD HARBOUR PASSAGE, AND THE TIMING OF THE CANADIAN AIDE-MEMOIRE WAS SIMPLY TO GIVE ADVANCE WARNING OF POSSIBLE CANADIAN ACTIONS IN CERTAIN EVENTUALITIES. TURNER FURTHER NOTED HOWEVER, THAT CANADA OBVIOUSLY CONSIDERED THE STATUS OF HEAD HARBOUR PASSAGE DIFFERENTLY LIMITED OFFICIAL USE

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THAN THE US. VINE INDICATED HE DID NOT WISH TO DISCUSS LAW OF THE SEA ASPECTS BUT ASKED WHETHER TURNER WAS ASSERTING THAT THE US HAD NO RIGHT OF INNOCENT PASSAGE THROUGH HEAD HARBOUR. TURNER SAID HE WAS NOT, BUT NEVERTHELESS REITERATED HIS POINT. TURNER ALSO INDICATED HIS REGRET THAT WE WERE LINKING UNRELATED ISSUES. VINE POINTED OUT THAT WE WERE NOT; THE ISSUES WERE RELATED IN FACT AND WOULD BE VIEWED THAT WAY IN THE PUBLIC

MIND.

3. TEXT OF AIDE-MEMOIRE FOLLOWS BY SEPTTEL. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, CONSTRUCTION, WATER POLLUTION, AIDE MEMOIRE, PETROLEUM REFINING, PORT FACILITIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE055603  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** LFJANOWSKI:MGH  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750087-0116  
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**Handling Restrictions:** n/a  
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**Legacy Key:** link1975/newtext/t19750357/aaaabzfe.tel  
**Line Count:** 118  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 MAY 2003 by ElyME>; APPROVED <19 MAY 2003 by MorefiRH>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EASTPORT REFINERY  
**TAGS:** SENV, CA, US  
**To:** OTTAWA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006